

STATE CONTRACTOR TELLS OF \$1,500 HOLD UP

Becker's Life Hangs on Decision of Appeals Court

FINAL EDITION

The



World

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Weather—Occasional rains to-night and Tuesday.

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BECKER'S LAWYERS ASSAIL GOFF AND WHITMAN IN PLEA TO COURT FOR NEW TRIAL

Lieutenant's Wife Hears Final Argument for Her Husband's Life.

LONG DELAY EXPECTED.

Not Likely That Verdict Will Be Handed Down for Three Months.

ALBANY, Dec. 1.—A conspiracy that found its support in perjured testimony put former Police Agent, Charles Becker, in the Sing Sing death house for the murder of Herman Rosenthal, attorney for the convicted man argued today in the Court of Appeals. Justice Goff, who denied Becker a new trial, and District Attorney Whitman, who prosecuted the case, were criticised severely. Becker's counsel appealed from the order denying his motion for a new trial and asked a reversal of judgment. Becker was in the courtroom for the special request of his husband. Judge Cullen and Judge Gray, both of whom will retire from the court this month, did not sit in the case. It is expected that a decision in the case will not be rendered for three months. Twenty-five reasons why the judgment of the lower court should be reversed were given by Attorney Joseph A. Shay. Chief among them was the trial was unfair; error was committed in excluding evidence; Sam Scheppe plainly was an accomplice; "innumerable incidents and circumstances which occurred during the trial were prejudicial to the defendant, including the argument of a charge."

SAYS PROSECUTION OF BECKER WAS VICIOUS.

The date of the alleged Harlem meeting between Becker and the gunman never was set positively, and inasmuch as it would be impossible to fix this date on a new trial the indictment ought to be dismissed. The testimony of Labin and Vallon should not be accepted.

In conclusion, the Becker lawyers said:

"A great moral lesson has been learned that could be learned in no other way, except by a thorough and vicious prosecution of this defense by both the learned District Attorney and the alleged accomplices. It was only by such prosecution that the facts could have been adduced to establish the innocence of the accused, on which we trust that this court will point out the mistake and show the danger of public condemnation."

While we admit that up to this hour the majority of the public believe this defendant guilty, we should be entitled to offset this fact with the further fact that because public sentiment is more pronounced and more united the trial of this defendant was grossly unfair and ought not to be permitted to stand as an approved procedure of the courts of justice. The public want no innocent man condemned. When the mistake is pointed out public opinion will be in support of the opinion now held by a substantial minority that the charge of conspiracy by this defendant to murder is in fact a conspiracy against this unfortunate convict, the most terrible ever narrated in the history of this nation."

It is probable the appeal of the four gamblers will be heard Dec. 15.

SAYS GOFF WAS CONSTANTLY FINDING FAULT.

The argument for Becker was delivered impressively by Attorney Joseph A. Shay, with whom were associated Attorneys Arthur Palmer and Leonard F. Fish. Frequent references were made to Justice Goff's remarks, and once it was asserted that "There was no patience. It was continual fault-finding from his high place and in a most menacing manner." Finally the argument was closed with this assertion:

"By reason of the fact that the accused was not given a fair trial, and by reason of the harmful errors in the exclusion of evidence, and by reason of the finding that Scheppe was not an

LADY WALDSTEIN TELLS WHY FATHER CUT BROTHER OFF

Louis Einstein Jr. Left \$20,000 a Year Through Her, Pending Good Behavior.

Lady Florence Waldstein told Supreme Court Justice Clegg today why her father, the late David L. Einstein, millionaire woolen manufacturer, cut off his son Louis Jr. in his will and left the greater portion of his estate to his other children. Louis Einstein Jr. is now United States Commissioner at Costa Rica and he is now endeavoring to have a judicial reconstruction placed upon certain clauses in the will. "What did your father say about your brother?" asked former Justice Cullen. "He said," she replied, "that he wanted me to take his place after he was gone and watch over Louis—to see what sort of life he was living and if I saw fit to help him according to what I thought proper under the circumstances and that unless Louis was divorced from his present wife or married again to a respectable woman he should never have a share in the estate."

Lady Waldstein said that she had kept up the payments of \$20,000 a year to her brother in accordance with her father's wishes.

"I often told my father," she continued, "that I did not wish to have share C. originally set apart for my brother, but father said he wanted me to have it and added that I could chuck it into the sea if I wanted to."

Young Einstein married a woman who was much older than himself and had been married twice before he met her. Her name was Helene Kall. During David Einstein's lifetime he offered his son's wife an income of \$20,000 a year if she would leave her husband. She refused.

POETESS TEARS UP HER VERSES IN COURTROOM

Angered at Question of Woman Lawyer, She Destroys "Fallen Leaves"—Is Reprimanded.

Mrs. Jennie J. Barrett of No. 36 West Seventy-second street, a confessed poetess and the wife of an artist, was a witness today before Judge Mahoney in General Sessions against George J. Lewis of the Grand Hotel, charged with taking her automobile and returning neither automobile nor cash. The counsel for Lewis, who is a white-haired and dignified, was Miss Lucille Pugh.

"Did you not," asked Miss Pugh of the complainant, "write these verses, 'Fallen Leaves,' to Mr. Lewis?"

Mrs. Barrett glanced at the copy of the verses handed up to her, flushed angrily and tore the paper into tiny bits and tossed them in the air.

Miss Pugh wanted Mrs. Barrett punished for destroying evidence. Judge Mahoney said he thought a reprimand was sufficient and administered the same. Miss Pugh took exception to his action and intimated, and the case went on. Nobody would tell what was in the verses which embarrassed the witness so much.

Blinded by Hot Metal. Philip Gottlieb, a plumber's apprentice, of No. 167 Fulton avenue, the Bronx, was struck in the face by a spray of melted solder this afternoon, while at work at No. 100 Washington avenue at Fordham Hospital, where he was taken. It was said that the sight of his right eye was destroyed and possibly that of the other.

HUERTA VANISHES, THEN AS SUDDENLY TURNS UP AGAIN

People of Capital Hear Report That He Had Taken Secret Flight to Vera Cruz.

HE EXPLAINS ABSENCE.

Declares on Return He Took a Trip Out of Town to Visit a Farm.

MEXICO CITY, Dec. 1.—Provisional President Huerta, whose disappearance from the Federal capital gave rise to many rumors to-day, returned this afternoon. He had been paying a visit to a farm in the vicinity. A sensation was caused when one report was circulated to the effect that the dictator had secretly left the capital early yesterday morning for Vera Cruz, travelling over the Inter-oceanic Railroad.

The story originated with the railroad officials, who claimed to know of Huerta's departure at 4 A. M. on board a special train. The presence of Querido Moreno, the Mexican Foreign Minister, at the port of Vera Cruz was said to have some connection with the plan of Gen. Huerta to leave the country.

While the people of the capital were excitedly discussing the affair Huerta appeared at the National Palace and his statement that he had been on a short out-of-town visit was made public.

Rear-Admiral Sir Christopher Cradock, commander of the British cruisers now in Mexican waters, who arrived in the Federal capital last night, expects to return to Vera Cruz to-morrow. Previous to the circulation of the report today that President Huerta had fled, he said it was unlikely he would be able to meet Provisional President Huerta owing to the brevity of his stay. The Admiral, with his secretary and flag lieutenant, was the guest to-day of Sir Lionel Carden, the British minister.

FEDERAL TROOPS PLAN AN ATTACK ON TORREON.

The city of Torreon, which has long been in the hands of the rebels, is about to be retaken by a column of Federal troops commanded by Gen. Jose Refugio Velasco, according to despatches received to-day by the War Department. The Federal troops are said to have encountered but little opposition in their advance on the city and are reported to be now within a few miles of the place.

The military authorities say the re-occupation of Torreon will be a great blow to the revolution, as the city is the key to operations in four States. It is on the border of the State of Coahuila.

Gen. Velasco has been instructed to move at once upon the city of Durango after taking possession of Torreon.

The War Office to-day reported two Mexican warships before Mazatlan on the west coast, prepared by bombardment to aid the Federal troops defending the port against the rebels. It was supposed that the vessels were the gunboats Tampico and Guerrero, reported to have demolished Altata in Sinaloa.

American Consul Alger at Mazatlan, using the wireless to Washington, brought about the assurance of Venustiano Carranza, Constitutional leader, that the rebels would not cut off the water supply of the beleaguered town, which probably will be entirely surrounded by rebels to-day.

JUARIZ, Dec. 1.—Gen. Francisco Villa's advance army of 3,500 rebels, which is moving to attack Chihuahua City, 225 miles south of Juarez, to-day reached a point sixty-three miles from the border. They were forced to retreat there because of the destruction of the railroad. Preparations were made at once to march overland to the State capital. Another train carrying 1,000 rebels was made ready here for the journey south.

Gen. Villa said that before reaching Chihuahua he expected to be reinforced by Gen. Manuel Chao and Juan Cortinas, who were reported advancing from Torreon. Unless this movement is intercepted Villa hoped to rally at least 7,000 men to attack the five thousand Federalists said to be garrisoned in the capital.

FOR RAGING SEE PAGE 12.

Smallest Dog in the World As Seen in His Glass Case



"Sun Shai" is a Pekingese dog exhibited by Miss Florence Brian at the Pekingese show now on at Hotel Plaza.

40-MILE-AN-HOUR KISS IS EASILY WORTH \$25 TO LOVING AUTO DRIVER

M. Schmoll's Osculatory Efforts Extend Over Thirteen Blocks at Top Speed.

Armond Schmoll, a handsome youth, was accused \$25 by Magistrate Corrigan for the city's benefit to-day for kissing a young person he described as his best girl while driving a motor car at forty miles an hour. Policeman Haggerty ran M. Schmoll down early to-day on Broadway between Two Hundred and Fifty-sixth and Two Hundred and Forty-third streets.

"Ah," said the young man, who said he was a citizen of France. "If I was going too fast I am all right. I did not know."

"But why did you go so fast?" asked the policeman.

"There was an opportunity to kiss my girl, who was beside me," said Schmoll. "My attention was on those most beautiful lips and I could not set my soul upon them with my eye on the indicator of speed."

The young woman said she thought less of Policeman Haggerty than of any other person or object in the world. She went so far as to call him a "horrid thing."

When Magistrate Corrigan imposed the fine, with an alternative of three days in jail, M. Schmoll misunderstood and thought he was to be locked up anyway. He explained that it was simply impossible for him to go to jail because he had a summons to appear before Magistrate Krotel, who is dealing

CUT RATE DEALERS IN COPYRIGHTED BOOKS WIN VICTORY IN COURT

Agreements to Bar Those Who Undersell Declared Anti-Trust Violation.

WASHINGTON, Dec. 1.—Cut rate dealers in copyrighted books won a victory to-day when the Supreme Court held that agreements between publishers and regular book-sellers not to sell books to those who resell to the public at less than the price fixed by the publishers violate the Sherman Anti-Trust law. Justice Day announcing the decision said violation was not "avoided" by the benefits of the copyright law.

R. H. Macy & Co. brought the suit against the American Publishers' Association, comprising about 75 per cent. of the publishers in the United States, and certain dealers who comprise 30 per cent. of the wholesale and retail book dealers.

out heavy sentences to automobile speeders in the West Side Court. M. Schmoll had been caught going twenty-two miles an hour in Fifth avenue at Forty-third street yesterday.

"Kissing the girl then, too?" asked the Magistrate.

"Alas, no," said M. Schmoll, with a sheepish grin. He was told to pay his fine and go downtown to learn what Magistrate Krotel would do to him.

SAILING TO-DAY.

Arcon, Cristobal. 8 P. M. Algonquin, Bohlen. 10 P. M.

365 AUTO DRIVERS IN DAY'S ROUNDUP; SCORES GO TO JAIL

Millionaire Theodore R. Pell Spends Five Hours in Prison Rather Than Pay \$25.

286 UP BEFORE KROTEL.

He Imposes \$50 Fine or Five Days; Nolan Makes It \$25 or One Day.

Magistrates Krotel and Nolan disposed of the cases of 365 violators of the automobile traffic regulations to-day. The offenders were spotted yesterday in Fifth avenue, Broadway, Central Park West and Riverside Drive and served with summonses by traffic policemen. Magistrates House and Appleton disposed of eight other cases, making the day's total 365.

Magistrate Krotel had the biggest roundup of Automobile law violators ever arraigned at one time in the city. He sat in West Side Police Court and handled 336 cases. Every speeder with two exceptions was fined \$50 or sent to jail for five days. Fifty accused of driving smoking cars or not having their lamps lighted were fined from \$5 to \$10. The fines collected ran close to \$5,000. Of the thirty-five sent to West Side Court prison all had paid up and secured their release late this afternoon.

In Yorkville Court Magistrate Nolan delivered judgment in forty-eight cases charging violation of the speed laws and twenty-three charging minor violations. He was more lenient than Magistrate Krotel and imposed a \$25 fine with the alternative of one day in jail.

THEODORE PELL SPENDS FIVE HOURS IN JAIL.

In consequence of the bulk of the offenders in Yorkville Court decided to go to prison. They knew they would be released at 4 o'clock this afternoon. Among those who spent five hours in jail rather than pay a \$25 fine was Theodore R. Pell, the millionaire real estate man and a member of the society Pell family. He was caught speeding in Fifth avenue yesterday afternoon.

Magistrate Krotel threatened on Saturday to make his fines for speeders in the future \$100 or ten days in jail. When he found nearly 300 violators before him to-day he cut down the penalty, but announced that it will be his policy hereafter to give the limit of punishment allowed by law, especially in the cases of persons who are consistent offenders.

The only man accused of speeding that Magistrate Krotel discharged was Benjamin Rippeth, an automobile dealer of No. 1709 Broadway. He was accused of running a car twenty-five miles an hour in Broadway. Mr. Rippeth and a friend who was with him in the car swore they were looking at the speedometer when the policeman accosted them and the car was running only fifteen miles an hour. A man from Chicago was let off for \$25 because he said he didn't know the law.

Two young women, Edna Parks of No. 520 West One Hundred and Twelfth street and Jean E. Mohle of No. 29 Clermont avenue, Brooklyn, were fined \$50 apiece by Magistrate Krotel and paid their fines. Miss Frances Deane of No. 60 Fort Greene place, Brooklyn, took an adjournment until next Friday and will try to show that she was unjustly accused of exceeding the speed limit.

The big roundup was made on orders issued by Commissioner Waldo, who assigned every traffic policeman in the city to special Saturday and Sunday duty in the crowded section of Manhattan between Forty-second street and One Hundred and Tenth street. The policemen from the outlying districts weren't at all pleased at having to work on their day off and they didn't overlook many violations of the law.

AUTO OWNERS HURRY TO GET INFLUENCE OF POLITICIANS.

Evidently there had been some comparing of notes among automobile owners and chauffeurs yesterday and last night. For the new had percolated through at the gathering at the Police Court to-day that Magistrate Krotel was a "bad" judge and had threatened on Saturday to impose a fine of \$100 or

Verona, Naples. 8 A. M. Kurs, Bremen. 8 A. M. Kurs, Hamburg. 8:30 P. M. Bermuda, Bermuda. 10 A. M. New Amsterdam, Rotterdam. 11 A. M. Berlin, Gihalar. 12 M. New Amsterdam, Rotterdam. 6 P. M.

(Continued on Second Page.)

CONTRACTOR SWEARS HE COULDN'T GET PAY TILL HE PAID \$1,500

Madison R. Aldridge of Poughkeepsie Testifies at Graft Hearing That \$17,500 for Road Work Was Held Up Four Months.

NAMES SECRETARY TO STATE ENGINEER.

Declares Hassett First Demanded \$1,700, but Accepted \$200 Less—John E. Consauls Tells of Gifts.

Madison R. Aldridge, of Poughkeepsie, President of the Bridgeport Construction Company, which had several road contracts, was the first witness called this afternoon in the John Doe proceedings before Chief Magistrate McAdoo.

The witness said the Bridgeport Company had taken over the outstanding contracts of the General Construction Company in 1911. These were for road making, one of the contracts for the Livingston-Hudson road, a matter involving \$100,000.

The work was completed late in November, 1911. There was an amount of about \$17,500 due upon the completion of the road, but this was not paid either in December or in January, 1912. Mr. Aldridge said that he had asked several times for payment—in fact every week.

"When were you paid?" Mr. Whitman asked.

The witness said the records would give the date. But Mr. Whitman refreshed his memory by saying the payment was made March 28, 1912.

CONTRACTOR'S STORY OF HOW HE GOT HIS MONEY.

On relating the story of his efforts to get the payment due him, Mr. Aldridge said he went to Albany, to Keeler's Hotel, to meet John E. Consauls. The day after this meeting Mr. Aldridge went to the State Engineer's office to see John Hassett, secretary to the State Engineer. This was at Mr. Consauls's suggestion. Mr. Hassett did not see the witness in his office, but in the hall, outside the State Engineer's office.

Q. What did Mr. Hassett say? A. He said, "I think we ought to have something on this."

Q. What did he say as to the amount? A. He replied that Mr. Foley had said that \$1,700 would be about right. My comment was that I thought this was crowding the measure, as I'd waited four months for my money. I thought \$1,500 plenty and this amount I paid. My stenographer got it from my bank in small bills, but I sent the amount to another bank and got a \$1,000 bill and a \$500 bill as best for such a transaction. I brought this money to New York City and went to the Blackbook Hotel on Saturday, March 20.

The next day the witness communicated with Thomas Hassett and met him at Hassett's apartment.

CONTRACTOR SAYS HE GAVE THE MONEY TO HASETT.

Q. Did you give him the \$1,500? A. Yes, I did. There were two other men in the apartment at the time.

The witness then stated that he had promised to make this payment as soon as he received the money from his contract. The contract payment was made on March 28, and on March 31 he paid over the \$1,500 campaign contribution.

Aldridge's successor on the stand was John E. Consauls, secretary of the J. J. Herlihy Construction Company. He admitted that in 1911 he had asked for and obtained campaign contributions.

He remembered talking with Aldridge about the Livingston-Hudson contract.

"I told him I hoped he'd get his money," said the witness. "I don't think I ever spoke to Hassett about it, but I might have spoken to Mr. Foley